IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.817 OF 2005
IN
NOTICE OF MOTION NO.2390 OF 2005
IN
SUIT NO.2227 OF 2005

The Bombay Dyeing Manufacturing Ltd. .. Appellant
V/s
Rajkumar Dattatraya Survase .. Respondent

Mr.V.R.Dhond with Mr.Ashish Kamat i/by M/s.Apex Law Partners for the Appellant.

Mr.L.M.Acharya for the Respondent.

CORAM: DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI, JJ.

DATE : 17.10.2005.

P.C.:

1. Heard the learned Counsel for the parties. Perused the order dated 29.8.2005 passed by the learned Single Judge in the Notice of Motion No.2390 of 2005 whereby the learned Single Judge has appointed Court Receiver, High Court, Bombay as the receiver with regard to 883 cotton bales with a direction to take possession and hand over the same to the Plaintiff only after plaintiff furnishing a bank guarantee of a nationalised bank to the Prothonotary & Senior Master of this Court in the sum of Rs.77 lakhs, which is the market value. The suit of the Plaintiff itself is for return of the aforesaid 883 cotton bales. The learned Single Judge has rightly directed the Plaintiff to furnish the bank guarantee otherwise at the interim stage itself the suit gets decreed without any guarantee to the Defendants at all.

2. We do not find any error or illegality in the order

passed by the learned Single Judge dated 29th August, 2005. Appeal is devoid of any merits. Hence, the Appeal stands dismissed.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)